

**REMARKS**

Claims 1-6 are active in this application.

Applicants wish to thank Examiner Examiner Scott and supervisory Examiner Eashoo for the helpful and courteous discussion with Applicants' Representative on November 28, 2007. During this discussion it was noted that a comparison of the Examples and Comparative Examples in the specification of the present invention shows that superior results are obtained when using component E in combination with component D.

Applicants respectfully request reconsideration of the application, as amended, in view of the following remarks.

The specification states at page 3, line 24 to page 4, line 15:

It is an object of the present invention to provide a vinyl chloride type thermoplastic elastomer composition which provides shape retention at a high temperature and which is excellent in reduction of the compression set without lowering the moldability required for the vinyl chloride type resin composition.

As a result of an extensive study to solve the above-mentioned problems, the present inventors have found it possible to obtain a vinyl chloride type thermoplastic elastomer with all of the above-mentioned problems solved by blending and kneading a pelletized composition having sufficient rubber elasticity obtained by kneading a mixture comprising a vinyl chloride type resin having a high average polymerization degree, a plasticizer and a powdered partially crosslinked acrylonitrile/butadiene copolymer, with a powdery mixture obtained by mixing a vinyl chloride type resin having a low average polymerization degree and a plasticizer, and have arrived at the present invention.

The present invention as set forth in **Claim 1** relates to a vinyl chloride type thermoplastic elastomer composition produced by

**blending and kneading a pelletized composition (D)** obtained by

kneading a mixture comprising 100 parts of (A) a vinyl chloride type resin having a high average polymerization degree, from 20 to 200 parts of (B) a plasticizer, and from 50 to 200 parts of (C) a powdered **partially crosslinked acrylonitrile/butadiene copolymer**,

**with a powdery mixture (E)** obtained by

mixing a vinyl chloride type resin having a low average polymerization degree and a plasticizer.

In addition, the specification states at page 5, lines 11-16:

By the present invention, it is possible to provide a vinyl chloride type thermoplastic elastomer composition which provides a shape retention property at a high temperature and which is excellent in reduction of the compression set, without lowering the moldability of the vinyl chloride type resin composition.

The specification states at page 12, line 19 to page 13, line 3 as follows:

As an effect of the present invention obtainable by blending such a pelletized composition (D) with the powdery mixture (E), although the reason is not clearly understood, by mixing the pelletized composition having sufficient rubber elasticity with the composition so-called a general purpose flexible vinyl chloride type resin composition, good moldability of the general purpose flexible vinyl chloride type resin composition can be imparted without substantially losing the characteristics of the composition having rubber elasticity.

Moreover the Examples in Table 1 at pages 16 and 17 of the specification show superior results being obtained when using components D and E in combination. Compare Examples 1-4 (according to the present invention) with **Comparative Examples 5 ( no component E) and 6 (no component D)**. Superior moldability and high temperature shape retention property are obtained in Examples 1-4 according to the present invention.

Moreover, in **Comparative Example 7**, the same composition as in Example 2 was used. However, the component D was **NOT PELLETTIZED**. As a result, very poor moldability and high temperature shape retention were obtained.

In **Comparative Example 8**, the same composition as in Example 2 was used, **EXCEPT A NON-CROSSLINKED NBR** was used. As a result, poor moldability and very poor high temperature shape retention were obtained.

Yamabe et al, Yamane et al and Masuda et al fail to disclose or suggest a vinyl chloride type thermoplastic elastomer composition as claimed having a superior moldability and high temperature shape retention property.

Moreover, it is **improper to combine** Yamabe et al, Yamane et al and Masuda et al because they are in different fields of endeavor. Yamabe et al is concerned with providing an extruded product, specifically **a sealing material for packings or gaskets**, having good heat resistance, moldability and deformation resistance which is excellent in sealing and shielding effects. See col. 1, lines 3-21 and col. 2, lines 7-11 of Yamabe et al. However, Yamane et al is not concerned with solving such problem at all. In contrast, Yamane et al relates to a vinyl chloride fiber for use in **artificial hair** such as wigs, hairpieces, braid, extension-hair and accessory hair, or for use in fibers for dolls' hair such as doll-hair, and a process of producing the same. See col. 1, lines 9-13 of Yamane et al. Masuda et al is yet in a different field of endeavor, namely a vinyl chloride resin composition improved in a coldproof property in powder molding processing, such as powder slush molding, fluidised bed coating, rotational molding, powder coating, etc., while securing a moldability and a non-fogging property and capable of molding a **skin material for an air bag door** to which a coldproof property is required on the same molding conditions as in a conventional crush pad. See col. 1, lines 4-11 of Masuda et al.

Thus, it is improper to combine Yamabe et al, Yamane et al and Masuda et al.

Therefore, the rejection of Claims 1-6 under 35 U.S.C. § 103(a) over Yamabe et al (US 5,709,956) in view of Yamane et al (US 6,465,099) taken with Masuda et al (US 5,994,439) is believed to be unsustainable as the present invention is neither anticipated nor obvious and withdrawal of this rejection is respectfully requested.

Application No.: 10/563,596

Reply to Office Action of: September 10, 2007

This application presents allowable subject matter, and the Examiner is kindly requested to pass it to issue. Should the Examiner have any questions regarding the claims or otherwise wish to discuss this case, he is kindly invited to contact Applicants' below-signed representative, who would be happy to provide any assistance deemed necessary in speeding this application to allowance.

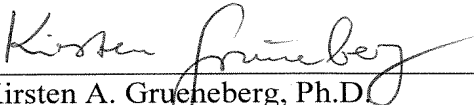
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.  
Norman F. Oblon

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413 -2220  
NFO:KAG:  
(OSMMN 08/07)

  
Kirsten A. Grueneberg, Ph.D.  
Registration No.: 47,297